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June 7, 2007

Freeway's impact report held

[J. Craig Anderson](#), Tribune

The threat of a lawsuit over the future South Mountain Freeway's proposed route through Ahwatukee Foothills is causing delays in the release of a required environmental impact statement, a state transportation official acknowledged Wednesday.

"This is a case where there's already been talk of a legal challenge," Arizona Department of Transportation spokesman Doug Nintzel told the Tribune. "The legal review is one where the study team really has to make sure they've considered all of the ramifications."

ADOT told members of its South Mountain Citizens Advisory Team in April that a draft version of the required environmental impact statement, previously scheduled for release to the public this summer, would be delayed until 2008. He said ADOT isn't certain whether the change would delay the proposed freeway's construction, which could commence as early as 2009.

Nintzel said the project is particularly complex from an environmental standpoint, and that the Federal Highway Administration staff has reviewed the internal draft and raised a number of concerns. The statement covers issues such as the proposed alignment's impact on air and water quality, homes and businesses, wildlife, historical areas and park land, he added.

Building the freeway along the Pecos Road alignment in Ahwatukee Foothills would require bulldozing an estimated 250 homes and blasting through a portion of South Mountain.

Some residents have formed an opposition group called Protecting Arizona's Resources and Children, or PARC, and have retained a lawyer to fight an anticipated legal battle over the freeway's impact on the community.

Nintzel said the federal review also will include a legal assessment and that ADOT is expecting intense scrutiny, which will prolong the process of revising the draft impact statement before its release for public review and comment.

"The fact that legal challenges are talked about certainly would be a factor," he said.

Tempe environmental attorney Howard Shanker, representing PARC, treated Wednesday's news as a sign of the opposition group's effectiveness, and he criticized ADOT for treating the freeway project differently because of

the possible lawsuit.

"It's a shame that that's what it takes to get them to do their jobs properly," Shanker said.

Nintzel said the environmental statement's release date, which already has been pushed back several times since 2002, is now uncertain.

"It's simply very difficult to predict how long this kind of study will take to complete," he said. "Right now we're pointing to 2008."

The delays have helped fuel rumors that ADOT is stalling for time so it can conduct secret negotiations with the Gila River Indian Community over an alternate alignment through the reservation to the south.

However, Gila River representatives have stated repeatedly that the community has no plans to reconsider a tribal council decision not to allow a freeway study on reservation land.

Nintzel said ADOT has engaged in continued discussions with the tribe, but to no avail.

"We've had our regular meetings with the community, and at this time the status is still the same," he said.

The South Mountain Citizens Advisory Team is scheduled to meet at 5:30 p.m. today in the ADOT board room, 206 S. 17th Ave., Phoenix, to discuss adding new members and reviewing future meeting topics.

Shanker said if ADOT's environmental study process passes legal muster, that still doesn't mean the freeway should be built.

"Even if they go through the process properly, they can still come out with a bad idea," he said.

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William Johnson

The people in Ahwatukee Foothills have known for many years that a freeway was planned where they chose to build homes.

If these people are successful in stopping the S.M. freeway from being built, it will back fire on them in about 10 years or less.